

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)

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THIS DOCUMENT RELATES TO:

***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA
INVESTMENT AND DEVELOPMENT CORP., ET AL.
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION OF JUSTIN B. KAPLAN IN SUPPORT OF PLAINTIFFS'
CONSOLIDATED MEMORANDUM OF LAW IN OPPOSITION TO THE
MOTION TO DISMISS OF SALEH AL RAJHI**

JUSTIN B. KAPLAN declares under penalty of perjury:

1. I am an attorney admitted to practice *pro hac vice* before this Court and am an associate with MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which plaintiffs rely in their Memorandum of Law in Opposition to the Motion to Dismiss of Saleh Al Rajhi.

2. Attached as Exhibit 1 is a true and accurate copy of government exhibit #304 as admitted into evidence on February 21, 2001 in the case of *United States of America v. Usama Bin Laden, et al.*, S(7) 98 CR.1023 (United States District Court for the Southern District of New York).

3. Attached as Exhibit 2 is a true and accurate copy of a pleading entitled, "Re – Amended Defence" in *Al Rajhi Banking and Investment Corporation and The Wall*

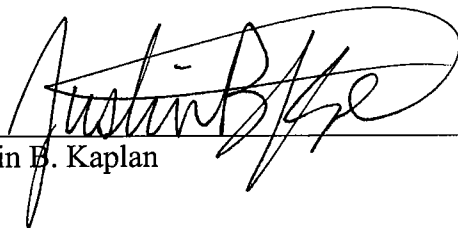
Street Journal Europe SPRL, Case No. HQ 02X00924, (In the High Court of Justice, Queen's Bench Division) amended by order of the Honorable Mr. Justice Eady on July 21, 2003.

4. Attached as Exhibit 3 is a true and accurate copy of an annual report of Al Rajhi Banking and Investment Corporation dated 1998.

5. Attached as Exhibit 4 is a true and accurate copy of the testimony of Jonathan M. Winer, former U.S. Deputy Assistant Secretary of State, International Law Enforcement before the United States Senate Committee on Governmental Affairs on July 31, 2003, entitled, "Origins, Organization and Prevention of Terrorist Finance". This testimony can be found on the Internet at www.iwar.org.uk/cyberterror/resources/terror-financing/073103winer.html.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2005.


Justin B. Kaplan